



THE LAW OFFICE OF  
AVRAM E. FRISCH LLC

New Jersey Office  
1 University Plaza  
Suite 119  
Hackensack, NJ 07601

New York Office  
150 Broadway  
Suite 900  
New York, NY 10038

Avram E. Frisch Esq. – Admitted in NY and NJ. Mail to NJ address.

September 11, 2024

Hon. Paul A. Engelmayer, U.S.D.J.  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2201  
New York, NY 10007

**Via Electronic Filing**

Re: Kitchen Winners NY Inc. v. Rock Fintek LLC, Case No. 22-cv-05276-PAE

Dear Judge Engelmayer:

This firm represents JNS Capital Holdings LLC and Joel Stern. Following the Court's decision on my clients' motion for summary judgment, the matter has been fully resolved as to Mr. Stern, and the remaining issues regarding JNS have been reduced to an action for nominal damages only. As JNS is not longer in business, Mr. Stern has directed me to inform the Court that JNS will not contest a judgment for nominal damages as to JNS, so as to avoid spending a fortune in legal fees for a case regarding nominal damages.

Furthermore, Mr. Stern and JNS made an offer of judgement in August 2023, for \$40,000, that was rejected by Rock Fintek. As such, entry of a judgment for nominal damages would allow Mr. Stern and JNS to seek their costs since the offer was made, pursuant to R. 68.

In addition, Rock Fintek's counsel has notified me that he intends to appeal the decision as to Mr. Stern after the eventual entry of judgment. As this matter is entirely complete as to Mr. Stern, and will be upon entry of a judgment for nominal damages against JNS, we request that the Court enter a final judgment as to Mr. Stern and JNS pursuant to R. 54(b) so that the appeal period may begin to run. There is "no just reason for delay" and allowing the matter to remain open would require me and Mr. Stern to monitor this case through a lengthy trial just to determine if in fact Rock Fintek eventually files an appeal.

If the Court desires a formal motion seeking the relief set forth in this letter, I will gladly file same upon the schedule that the Court directs.

Very truly yours,

Avram E. Frisch

Cc: All Counsel